

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

FILED

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U.S. DISTRICT COURT
N.D. OF ALABAMA

U.S. DISTRICT
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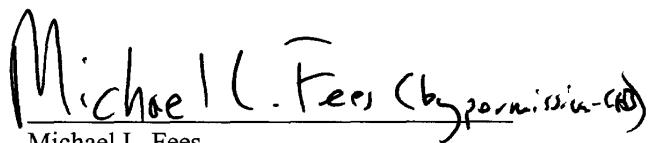
LEVEL 3 COMMUNICATIONS, LLC,)
Plaintiff,)
v.) Civil Action Number: CV02-P-2055-NE
CITY OF HUNTSVILLE, ALABAMA,)
Defendant.)

MOTION FOR SUMMARY JUDGMENT

Pursuant to rule 56 of the Federal Rules of Civil Procedure, defendant City of Huntsville, Alabama (the “COH”), hereby moves the Court to grant summary judgment in its favor and dismiss with prejudice all of the claims asserted against it in the complaint, as amended, filed by plaintiff Level 3 Communications, LLC. In support of this motion, the COH relies upon each of the following items: all pleadings of record in this case; this motion for summary judgment; the supporting statement of facts, brief, and evidentiary materials submitted contemporaneously herewith in accordance with exhibit A of the Court’s order; and all applicable procedural and substantive laws. As grounds for this motion, the COH states that there is no genuine issue as to any material fact and that it is entitled to a judgment as a matter of law as to all of plaintiff’s claims.

WHEREFORE, PREMISES CONSIDERED, the COH respectfully requests the Court to enter an order granting summary judgment in its favor and dismissing with prejudice all of the claims asserted against it in plaintiffs' complaint, as amended, with costs taxed against plaintiff.

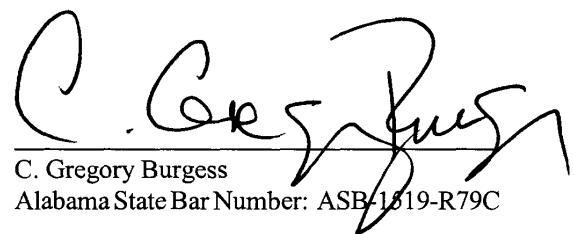
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Michael L. Fees (by permission)

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CERTIFICATE OF SERVICE

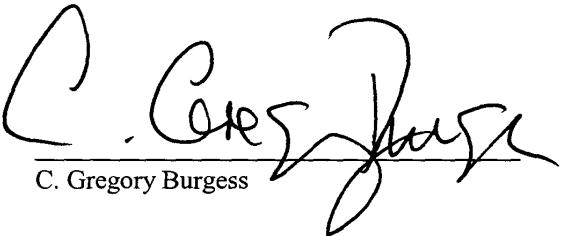
I hereby certify that a copy of the foregoing has been served upon the following via Federal Express or by depositing a copy in the United States Mail, first class, postage prepaid, addressed to them this the 19th day of December, 2003.

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